IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION LD.NO.138 OF 2005

Juhu Moragaon Machimar Vividh
Karyakari Co-operative Society
Limited & Anr. ...Petitioners.

Vs.

The State of Maharashtra & Anr. ...Respondents

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Mr.J.B.Chinai with Mr.Lalit Jain and Mr.Sanjay Jai for the Petitioner.

Mr.Pradeep Jadhav, AGP for the Respondents.

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**CORAM : DR.D.Y.CHANDRACHUD, J.**

17th January 2005.

**P.C.:**

Not on Board. Mentioned urgently in view of the apprehended demolition this morning. By consent taken on Board for admission.

The grievance of the Petitioners is that

on 12th January 2005, an order has been passed by the Competent Authority under Section 3-Z(2)(4) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act as amended by the Maharashtra Act 1 of 2004 for the removal of certain structures including the structure of the Second Petitioner. The order is stated to have been served on 15th January 2005 and the period of notice of 24 hours has expired. Learned Counsel appearing on behalf of the Petitioners states that the machinery for carrying out demolition has been assembled. The Petition has been filed by Juhu Moragaon Machhimar Vividh Karyakari Co-operative Society Limited and by the Second Petitioner who claims to be the Chairman of the First Petitioner. The First Petitioner is registered under the Maharashtra Co-operative Societies Act, 1960. The names of the Members of the First Petitioner have not been annexed to the Petition, nor have any documents in relation to these persons been annexed. A separate compilation of documents has been tendered in which, in so far as the Second Petitioner is concerned, it is sought to be established that he originally had a Ration Card together with his father as a member of the family and that in 1991 the name of the Second Petitioner was deleted therefrom and a fresh Ration Card was

issued. The compilation of documents which has been tendered before the Court shows that in the voters' list as of 1st January 1995, occupants of a cluster of hutments by the name of Ruia Park Hutment-II have been enlisted. The name of the Second Petitioner is at Sr.No.160 against Hutment 53.

The Learned A.G.P. appearing on behalf of the Respondents states that no demolition action is being carried out in respect of those structures in Ruia Park Hutment II which have been enlisted in the voters' list as of 1st January 1995. The Learned A.G.P. states that the demolition action that is under way is in respect of only those structures which have come up after 1st January 1995 and that consequently the structures which are duly recorded in the voters' list as of 1st January 1995 are not affected. In this view of the matter, no further directions are necessary. The Petition is accordingly disposed of.

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